

No. 264

009017

Courtesy Translation

The Ministry of Foreign Affairs of the Republic of Guatemala presents its compliments to the Honorable Embassy of the United States of America to acknowledge receipt of note No. 264 dated September 8, 2005 which literally states the following:

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Guatemala and has the honor to inform the Ministry that the members of the United States Army Corps of Engineers propose to travel to Guatemala during the second half of 2005 to provide construction services for the benefit of the Guatemalan Armed Forces. The Embassy proposes the following text for an agreement concerning privileges and immunities for these personnel as specified in the following paragraphs.

The Government of the Republic of Guatemala and the Government of the United States of America enter into this agreement for the services of the United States Army Corps of Engineers, pursuant to the terms of the General Agreement of Technical Cooperation, dated September 1, 1954 and the Agreement of Military Assistance, dated June 18, 1955.

HONORABLE
EMBASSY OF THE UNITED STATES OF AMERICA
GUATEMALA CITY

MINISTERIO DE RELACIONES EXTERIORES
REPUBLICA DE GUATEMALA, C. A.

Pursuant to the terms of the General Agreement of Technical Cooperation, the Agreement of Military Assistance, and this Agreement, the Government of the United States of America proposes to use the services of the Corps of Engineers for the renovation of the Guatemalan Army Regional Training Center for Peacekeeping Operations located in the city of Cobán, Alta Verapaz. This Agreement sets forth the resources to be provided and the administrative and fiscal controls required to implement this project in accordance with the laws of Guatemala and the United States.

In executing this project, the Corps of Engineers will provide planning, engineering, construction, and contract management services, using Corps of Engineers and contractor personnel. The Government of the Republic of Guatemala will provide all necessary security, property access, and coordinate the logistic support for the project. This project is subject to the availability of funds authorized and appropriated by the Congress of the United States of America and approved by the competent authorities of the Government of the United States of America.

Pursuant to this Agreement, the Government of the Republic of Guatemala will accredit Corps of Engineers personnel as members of the administrative and technical staff of the Diplomatic Mission of the Government of the United States of America in Guatemala. Exemptions from taxes, tariffs, custom fees, and import/export duties relative to the individual property of Corps of Engineers

personnel, and funds, supplies, materials, and equipment used on this project will be governed by the terms of the General Agreement of Technical Cooperation and the Agreement of Military Assistance.

Contracts, and the resolution of contract claims and disputes, will be governed by United States law. The Government of the Republic of Guatemala will hold the Corps of Engineers harmless for any claims arising out of or relating to any projects carried out pursuant to this Agreement. Any disagreement between the Parties arising under this Agreement will be resolved by mutual consultation and will not be referred to any third party or institution for resolution.

In the event circumstances threaten the safety of Corps of Engineers or contractor personnel, the Government of the United States of America reserves the right to immediately terminate all or part of the services being provided. Otherwise, either Party may terminate this Agreement by giving the other Party 30-days prior written notice. Modifications to this Agreement may be made through exchange of diplomatic notes.

This Agreement shall take effect when signed by representatives of the Government of the Republic of Guatemala and of the Government of the United States of America, and shall enter into effect on the date in which the Ministry of Foreign Affairs notifies the Honorable Embassy of the United States of America, by diplomatic means, of fulfillment of all the legal requirements stipulated by

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internal legislation and will remain in effect for the life of any contract awarded by the Corps of Engineers pursuant thereto, including the warranty period associated with any such contract.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Guatemala the assurances of its highest consideration.

Embassy of the United States of America,
Guatemala, September 8, 2005."

The Ministry of Foreign Affairs is pleased to convey the Honorable Embassy of the United States of America on behalf of the Government of the Republic of Guatemala, that all terms of the proposal found on the transcribed note are accepted. Therefore, said note and the present one constitute an Agreement between both of our Governments, that shall enter into force the date when this Ministry notifies the Honorable Embassy, through diplomatic channels, of the completion of all legal procedures required by internal legislation.

The Ministry of Foreign Affairs of the Republic of Guatemala takes this opportunity to renew the Honorable Embassy of the United States of America the assurances of its highest and distinguished consideration.

Guatemala, september 19, 2005

INFORMAL TRANSLATION

Ministry of Foreign Affairs
Republic of Guatemala, C.A.

010645

The Ministry of Foreign Affairs of the Republic of Guatemala presents its compliments to the Honorable Embassy of the United States of America and makes reference to the Agreement of Exchange of Notes between the Government of the Republic of Guatemala and the Government of the United States of America regarding the Construction Services for the Benefit of the Guatemalan Armed Forces, that will be provided by the Corps of Engineers of the United States Army, signed on September 8 and 19, 2005.

In this regard, the Ministry is pleased to inform that said Agreement was ratified by the President of the Republic on September 26, 2005, having the Government of the Republic of Guatemala fulfilled all the internal legal requirements according to the next to last paragraph of the Guatemalan Note, this Agreement will go into effect for both countries from this current day.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Honorable Embassy of the United States of America the assurances of its highest consideration.

Guatemala, November 2, 2005.

Honorable
Embassy of the United States of America
Guatemala City